IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.495 OF 2006
IN
NOTICE OF MOTION NO.118 OF 2006
IN
SUIT NO.2287 OF 1985

Tarachand Sitaram Narang & Anr. .. Appellants
V/s
State Bank of India & Ors. .. Respondents

Mr.K.Setalwad i/by M/s.Nanu Hormasjee & Co. for the Appellants.

Mr.Chirag Balsara i/by M/s.Mulla & Mulla & CBC for Respondent No.1.

CORAM: DR.S.RADHAKRISHNAN &
S.J.VAZIFDAR, JJ.

DATE : 24TH JULY, 2006.

P.C.:

1. Heard the learned Counsel for the parties. By this Appeal the Appellants are challenging the order dated 1st March, 2006 whereby the learned Single Judge had rejected the Notice of Motion taken out by the Appellant seeking permission to file the Written Statement. Perused also the order dated 23rd November, 2005 passed in the Suit, whereby the oral application made by the Appellants to grant them time to file the Written Statement was rejected by the learned Single Judge on the ground that the suit was pending for over 20 years and that no justifiable reasons were given by the Defendants (Appellants herein) for not filing the Written Statement. Aggrieved thereby the Appellants had preferred an Appeal. The Division Bench by its detailed order dated 16th December, 2005 had declined to interfere mainly on the ground that there was no

application in writing before the learned Single Judge. It is true that with regard to another Guarantor this Court had granted permission to file the Written Statement by imposing costs of Rs.50,000/-. The main contention of the learned Counsel for the Appellants is that the Appellants be also treated on par and be allowed to file the Written Statement. Having regard to the above referred order of the Division Bench dated 16th December, 2005 we are not inclined to interfere. Appeal stands dismissed.

2. Appellants are at liberty to adopt appropriate proceedings including a review Petition.

(DR.S.RADHAKRISHNAN, J.)

(S.J.VAZIFDAR,J.)